

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE (HARVARD
CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176-ADB

DECLARATION OF PETER ARCIDIACONO

I, Peter Arcidiacono, pursuant to 28 U.S.C. § 1746, declare the following:

1. I make this declaration at the request of counsel for Plaintiff Students for Fair Admissions, Inc. (“SFFA”), and if called upon to testify as to the contents of this declaration would testify competently thereto.

My Reports

2. Attached as Exhibit A to this declaration is a true and correct copy of my expert report signed October 16, 2017 and served on Harvard on the same day.

3. I have personal knowledge of the contents of the expert report attached as Exhibit A.

4. I hereby verify that the contents of my expert report attached as Exhibit A are true and accurate.

5. Attached as Exhibit B to this declaration is a true and correct copy of my rebuttal expert report signed January 29, 2018 and served on Harvard on the same day.

6. I have personal knowledge of the contents of the rebuttal expert report attached as Exhibit B.

7. I hereby verify that the contents of my rebuttal expert report attached as Exhibit B are true and accurate, subject to the attached errata.

8. Attached as Exhibit C to this declaration is a true and correct copy of the errata to my rebuttal expert report signed on April 6, 2018 and served on Harvard on the same day.

9. I have personal knowledge of the contents of the errata to my rebuttal expert report attached as Exhibit C.

10. I hereby verify that the contents of the errata to my rebuttal expert report attached as Exhibit C are true and accurate.

Likely Letters

11. The Admissions Office uses “likely letters” as a recruiting tool to encourage certain candidates to attend Harvard. Most likely letters (roughly 73%) are sent to recruited athletes. The remainder go to non-recruited-athlete applicants who Harvard has placed a priority on admitting. The Admissions Office almost always admits students who have received likely letters.

12. The following table reflects a count of non-athlete applicants receiving a “likely letter,” taken from domestic applicants in the raw data produced by Harvard.

Table 1

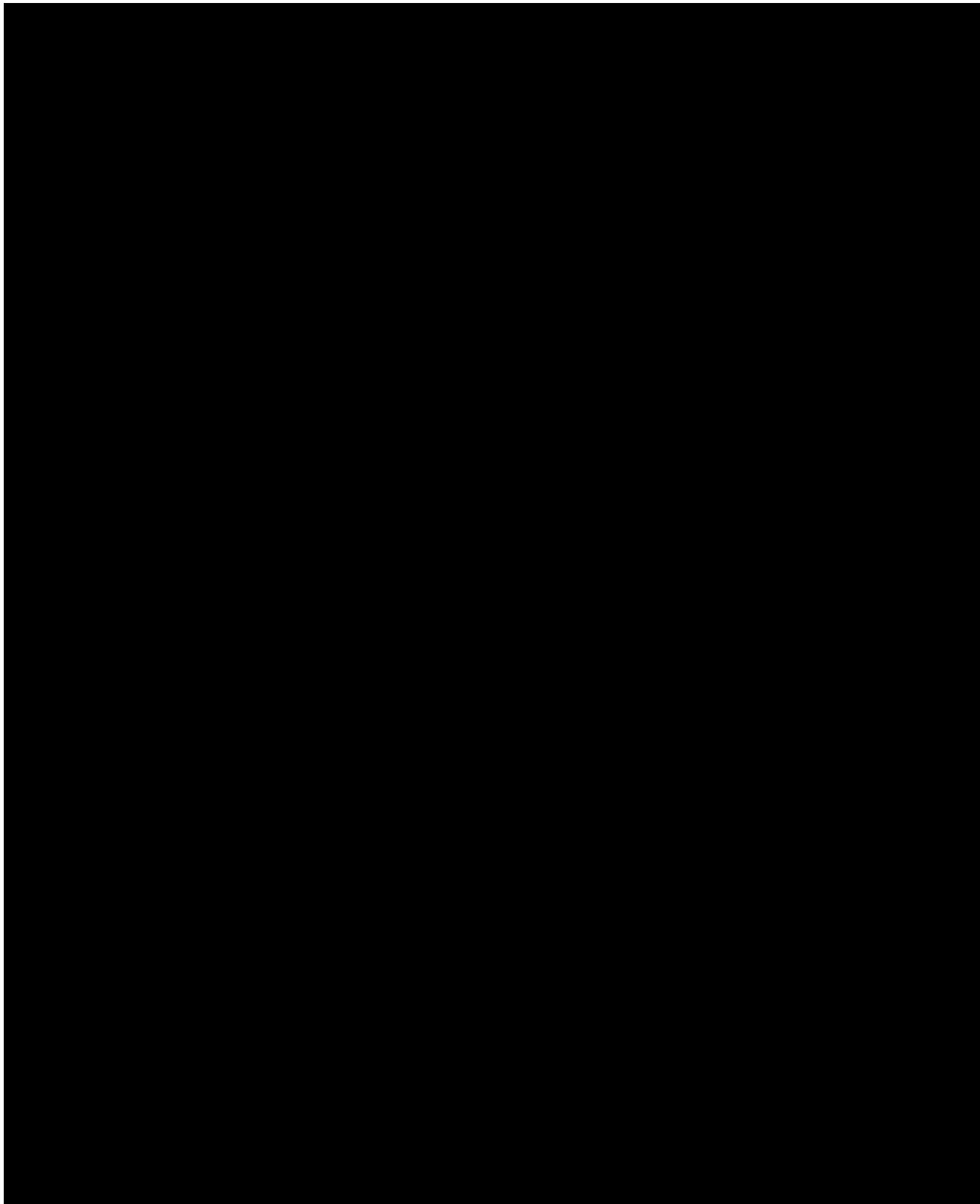
Applicant Race	Percentage of Non-Athlete Applicants Receiving a Likely Letter (Classes of 2014-2019)
African American	.48%
Hispanic	.38%
White	.24%
Asian American	.12%

Utah Applicants

13. The data produced by Harvard reveals that, in the Spring of 2014, Harvard admitted nine students from Utah into the Class of 2018; only two were Asian-American applicants.

Stuyvesant Case Study

14. In advance of the deposition of Casey Pedrick, counsel for SFFA asked me to pull data on the number of applicants and admits from Stuyvesant. The data shown in Table 2 displays the data I gave to counsel for SFFA in advance of the Pedrick deposition. It reflects an accurate count of Stuyvesant applicants and admits from the raw data set produced by Harvard.



Non-Racial Preferences

15. According to data produced by Harvard in this matter, Harvard has admitted the following numbers and shares of domestic applicants and admits by race/ethnicity for various categories of preferences—legacy, Dean's/Director's List, Harvard faculty/staff, early action, and the Z-List—from the Class of 2014 through the Class of 2019:

Table 3

Race	Domestic Applicants, 2014-2019				Domestic Admits, 2014-2019			
	Non-Legacy		Legacy		Non-Legacy		Legacy	
	Total	Share	Total	Share	Total	Share	Total	Share
White	66,329	0.40	3,499	0.69	3,961	0.41	1,093	0.70
Black	20,305	0.12	256	0.05	1,341	0.14	67	0.04
Hispanic	21,151	0.13	280	0.06	1,210	0.13	92	0.06
Asian	43,872	0.26	517	0.10	2,302	0.24	164	0.11

Race	Domestic Applicants, 2014-2019				Domestic Admits, 2014-2019			
	Non-Dean/Director		Dean/Director		Non-Dean/Director		Dean/Director	
	Total	Share	Total	Share	Total	Share	Total	Share
White	67,921	0.40	1,907	0.69	4,339	0.43	715	0.68
Black	20,463	0.12	98	0.04	1,379	0.14	29	0.03
Hispanic	21,280	0.13	151	0.05	1,241	0.12	61	0.06
Asian	44,059	0.26	330	0.12	2,331	0.23	135	0.13

Race	Domestic Applicants, 2014-2019				Domestic Admits, 2014-2019			
	Non-Faculty/Staff		Faculty/Staff		Non-Faculty/Staff		Faculty/Staff	
	Total	Share	Total	Share	Total	Share	Total	Share
White	69,642	0.41	186	0.54	4,973	0.45	81	0.54
Black	20,551	0.12	10	0.03	1,406	0.13	2	0.01
Hispanic	21,412	0.12	19	0.05	1,294	0.12	8	0.05
Asian	44,303	0.26	86	0.25	2,427	0.22	39	0.26

Race	Domestic Applicants, 2016-2019				Domestic Admits, 2016-2019			
	Regular Applicant		Early Applicant		Regular Applicant		Early Applicant	
	Total	Share	Total	Share	Total	Share	Total	Share
White	38,545	0.38	7,387	0.44	1,350	0.39	1,787	0.48
Black	12,145	0.12	1,839	0.11	536	0.15	380	0.10
Hispanic	12,973	0.13	1,808	0.11	523	0.15	344	0.09
Asian	25,516	0.25	4,234	0.25	759	0.22	856	0.23

Race	Domestic Admits, 2014-2019			
	Non Z-List		Z-List	
Total	Share	Total	Share	
White	69,575	0.41	253	0.70
Black	20,554	0.12	7	0.02
Hispanic	21,415	0.12	16	0.04
Asian	44,338	0.26	51	0.14

Disadvantaged & FGC Shares

16. According to data produced by Harvard in this matter, the number and share of domestic applicants and admits by race/ethnicity for additional factors—being socioeconomically “disadvantaged” and being first generation college—from the Class of 2014 through the Class of 2019 are as follows:

Table 4

Race	Domestic Applicants, 2014-2019				Domestic Admits, 2014-2019			
	Non-Disadvantaged		Disadvantaged		Non-Disadvantaged		Disadvantaged	
	Total	Share	Total	Share	Total	Share	Total	Share
White	65,535	0.44	4,293	0.20	4,608	0.50	446	0.24
Black	14,690	0.10	5,871	0.28	1,041	0.11	367	0.20
Hispanic	16,331	0.11	5,100	0.24	872	0.09	430	0.23
Asian	39,585	0.27	4,804	0.23	1,993	0.21	473	0.26

Race	Domestic Applicants, 2014-2019				Domestic Admits, 2014-2019			
	Non-First Generation		First Generation		Non-First Generation		First Generation	
	Total	Share	Total	Share	Total	Share	Total	Share
White	66,401	0.43	3,427	0.18	4,875	0.47	179	0.23
Black	17,051	0.11	3,510	0.18	1,301	0.13	107	0.14
Hispanic	16,397	0.11	5,034	0.27	1,071	0.10	231	0.30
Asian	40,608	0.27	3,781	0.20	2,256	0.22	210	0.27

Applicants with the Highest Academic, Extracurricular, and Personal Ratings

17. In connection with his examination of race-neutral alternatives, Professor Card created “Card Simulation 4x.” See generally Card Report 106-118. Harvard produced the dataset Professor Card used to create that simulation. Table 5 reflects an accurate count of the number of applicants (by racial/ethnic group) from the sample Card deemed eligible for his simulation who received a 1, 2, 3, 4, or 5 on the academic, extracurricular, and personal ratings.

Table 5

Academic Rating

Expanded Sample

year	Admit	number_of_5	number_of_4	number_of_3	number_of_2	number_of_1
2014	0	758	2703	8672	7215	36
2015	0	1113	3000	10053	8807	39
2016	0	1182	3006	9241	8666	39
2017	0	1044	3072	8854	9119	19
2018	0	885	2729	9328	9220	27
2019	0	983	3005	9484	9941	40
2014	1		29	492	1252	81
2015	1	1	36	435	1266	95
2016	1		32	386	1262	92
2017	1	2	27	388	1254	53
2018	1		19	353	1242	82
2019	1	1	32	375	1224	47

Extracurricular Rating

Expanded Sample

year	Admit	number_of_5	number_of_4	number_of_3	number_of_2	number_of_1
2014	0	70	1092	14189	3994	39
2015	0	164	939	16776	5095	38
2016	0	198	808	16755	4332	41
2017	0	147	659	16814	4454	34
2018	0	137	510	16545	4966	31
2019	0	184	444	17748	5050	27
2014	1	3	56	679	1077	39
2015	1	8	48	653	1083	41
2016	1	14	27	703	996	32
2017	1	8	18	647	1006	45
2018	1	7	25	666	974	24
2019	1	12	13	609	1011	34

Personal Rating
 Expanded Sample

year	Admit	number_of_5	number_of_4	number_of_3	number_of_2	number_of_1
2014	0	2	112	15884	3385	1
2015	0	8	98	19121	3782	3
2016	0	3	72	18516	3541	2
2017	0	2	79	18845	3182	
2018	0	3	117	17919	4145	5
2019	0	6	125	19382	3938	2
2014	1		1	467	1385	1
2015	1			494	1331	8
2016	1			490	1275	7
2017	1			471	1253	
2018	1			438	1256	2
2019	1			486	1187	6

I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct to the best of my knowledge.

Executed on this day, June 14, 2018.

/s/ Peter Arcidiacono
 Peter Arcidiacono